



#400274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Oscar D. Sandlin et al. )  
Serial No. 10/656,553 )  
Filed September 6, 2003 )  
LONG-LASTING SCENTED PAINT AND )  
METHOD FOR MAKING SAME )

**DECLARATION OF Oscar D. Sandlin**

**Submitted as a Declaration under 37 C.F.R. 1.131**

1. I herewith state my name is Oscar D. Sandlin, one of the named inventors in US Patent Application Serial Number 10/656,553 and a professional painter.
2. After repeated efforts, The Grande Reserve at Geist was unable to rid a rental unit of cigarette smoke smell existing on the walls of the unit.
3. Prior to April 2001, I was experimenting, along with Bill Oltman with developing a scented paint. In April 2001, we developed a paint by combining paint ingredients with a powder resulting in a paint with a potpourri scent.
4. The method used in April 2001 of making a long-lasting scented finish paint as claimed in claim 9 of the subject patent application included the steps of: selecting a paint; selecting a suitable solvent; selecting a scenting agent of characteristics such that it would provide continued scent and odor after the paint was applied to a selected surface and allowed to dry, and, mixing or agitating the paint, solvent and scenting agent until thorough dispersion of all ingredients take place. The resultant combination once allowed to dry on the wall provided a lasting scented paint finish.

5. I have been particularly cautious in maintaining the confidentiality of my experiments with Bill Oltman in developing a scented paint. Thus, I was particularly careful in not creating any type of paper or documentation detailing my experimentation with Bill Oltman in developing a scented paint. I was concerned that our invention of the scented paint to be disclosed in the subject patent application could be taken without our permission and thus in April 2001, when I developed with Bill Oltman a paint by combining a paint ingredients with a powder resulting in a paint with potpourri scent, I did not document nor maintain any records of either the steps or the results incurred during the development. Further, the existence of the scented paint we developed as well as any details associated therewith was only revealed to people that would readily notice the paint when used to paint a wall.

6. My occupation throughout the year 2001 was as a manufacturing supervisor in an industry other than the paint industry and not as any type of an inventor or an experimenter. Thus, I did not maintain any type of laboratory notes or other documentation regarding my experimentation with Bill Oltman and the development in April 2001 of the method and scented paint disclosed in our subject patent application. All details and results of our experimentation were retained strictly by our personal memory.

7. I was not aware during the year 2001 of the desirability of documenting the actual conception date and production of the method and paint disclosed in the subject patent application. As a result, I do not have any type of documents showing the actual conception or reduction to practice of the invention disclosed in our subject patent application.

I, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of any trademark application or any trademark registration issued thereon.

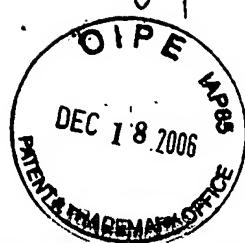
Dated: 12-14-06



Oscar D. Sandlin

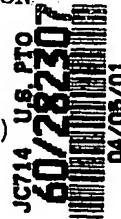


ATTORNEY DOCKET NO.  
020195.0125



PATENT APPLICATION

A/PRDV



PROVISIONAL APPLICATION FOR PATENT UNDER 37 C.F.R. § 1.53(c)  
TRANSMITTAL FORM

Box Provisional Patent Application  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the provisional application for patent of:

Inventor (Name and Residence) or Application Identifier:

Whitney A. Walker, 140 Glass Street  
Dallas, Dallas County, Texas, 75207

Entitled: NON-TOXIC PAINT

Enclosed are:

Specification (16 Total Pages)  
 Drawing(s) (       Total Sheet(s) of        Formal        Informal)

Certificate of Mailing  
 Other

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

U.S. Gov't Agency \_\_\_\_\_ Gov't Contract No. \_\_\_\_\_.

Enclosed is a check in the amount of \$75.00 to satisfy filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

BAKER BOTTS L.L.P.

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Reg. No. 32,461

April 5, 2001

*Robert M. Chiaviello, Jr.*

PATENT DRAWINGS

PATENT & TRADEMARK OFFICE

## **NON-TOXIC PAINT**

ABSTRACT OF THE DISCLOSURE

A non-toxic paint is disclosed comprised of milk protein or casein. The paint has preservatives added in quantities sufficient to extend the shelf life of the paint. Additionally, thickeners can be added to improve the paintability of the paint. Also the pigments can be finely ground and emulsified to improve the suspension of the pigments in the paint. Finally, the pH of the milk-based paint can be lowered by using, for instance, ammonia to improve the quality of the paint.

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## 6. *Parthenocissus henryana*

**WHAT IS CLAIMED IS:**

1. A non-toxic paint comprising:
  - casein or milk protein;
  - water;
  - pigments; and
  - a preservative sufficient to extend the shelf life of the paint.

2. A method of manufacturing a non-toxic paint  
10 comprising:

mixing casein or milk protein with water to form a liquid;

grinding a pigment to a fine powder;

mixing the finely ground pigment with the liquid;

and

adding a preservative to the liquid sufficient to extend the shelf life of the paint.

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## NON-TOXIC PAINT

#### TECHNICAL FIELD OF THE INVENTION

This invention relates generally to the field of paints and more specifically to a non-toxic paint as either a powder or liquid, and a method for its manufacture.

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BACKGROUND OF THE INVENTION

As society grows more complex and technological, a greater reliance is placed on the use of man made chemical compounds. Some people who are exposed to these chemical compounds have adverse reactions. These people require non-toxic substitutes. Another problem with many toxic chemical compounds concerns safe disposal. One modern chemical substance that some people find toxic and poses a substantial disposal problem is paint.

One form of non-toxic paint is referred to as milk paint and is of ancient origins. Milk paint comprises milk or casein mixed together with pigments such as earth oxides in water to form a liquid paint suitable for use in a variety of applications.

A problem with milk based paints, however, is that after mixing with water they have a short shelf life. Typically, three days or less. Once the milk begins to sour, the quality of the paint deteriorates and it is no longer of use. Alternatives, such as refrigeration, are unsatisfactory. This short shelf-life requires that most milk-based paints be distributed to the ultimate user as powders. Powders require the user to add water and mix the paint sufficiently so the pigments are properly suspended in the paint. Achieving sufficient mixing has been difficult.

Therefore a need has arisen for a non-toxic liquid paint that has longer shelf life and improved pigment suspension.

SUMMARY OF THE INVENTION

In accordance with the present invention, a non-toxic paint and a method for its manufacture are provided that substantially eliminates or reduces disadvantages 5 and problems associated with previously developed non-toxic paints and their manufacturing methods.

A non-toxic paint comprises milk powder, pigment, and a preservative. A non-toxic paint comprises milk, water, and thickeners sufficient to increase the 10 viscosity of the paint. A non-toxic paint comprises milk with an added base material, such as ammonia, to lower the pH. A method of manufacturing a milk-based paint comprises grinding the pigments to a fine powder and mixing the pigments and milk to form a non-toxic paint. 15 A method of manufacturing a milk-based paint comprises mixing the pigments to form an enhanced suspension of the pigments. Each of the foregoing may be manufactured using casein or powdered milk protein mixed with water.

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PATENT APPLICATION

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BRIEF DESCRIPTION OF THE DRAWINGS

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DETAILED DESCRIPTION OF THE INVENTION

SEARCHED INDEXED  
SERIALIZED FILED